

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

STATE OF SOUTH CAROLINA,)	Civil Action No. 1:19-cv-03132-RMG
SOUTH CAROLINA DEPARTMENT)	
OF HEALTH & ENVIRONMENTAL)	
CONTROL, and)	
SAVANNAH RIVER MARITIME)	
COMMISSION,)	
)	
Plaintiffs,)	
v.)	
)	
UNITED STATES ARMY CORPS)	
OF ENGINEERS,)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS SAVANNAH DISTRICT,)	
RYAN McCARTHY, in his official)	
capacity as Secretary of the Army,)	
LT. GENERAL TODD T. SEMONITE, in his)	
official capacity as Commanding General and)	
Chief of Engineers, U.S. Army Corps of Engineers,)	
MAJOR GENERAL DIANA M. HOLLAND,)	
in her official capacity as Commanding General,)	
South Atlantic Division, U.S. Army Corps of)	
Engineers, and)	
COLONEL DANIEL H. HIBNER,)	
in his official capacity as District Engineer,)	
U.S. Army Corps of Engineers, Savannah District,)	
)	
Defendants.)	

JOINT MOTION FOR LEAVE TO FILE CONSOLIDATED BRIEFS
AND ENLARGE PAGE LIMITS

Counsel for Federal Defendants, the United States Army Corps of Engineers, *et al.*, and Plaintiffs, State of South Carolina, *et al.*, respectfully move this Court for leave to file consolidated briefs and to enlarge the page limits set forth in Local Civil Rule 7.05. According to Local Civil Rule 7.05(B)(1) and (2), a memorandum in support of a motion is not to exceed 35 double-spaced pages, and a reply is not to exceed 15 double-spaced pages, unless an exception is granted by the Court. The parties herein request that this page limit be enlarged to allow Federal Defendants to

file a response/opposition brief of up to 55 double-spaced pages; South Carolina to file an opposition/reply brief of up to 55 double-spaced pages; and Federal Defendants to file a reply brief of up to 20 double-spaced pages.

1. On December 30, 2019, the Court granted the parties Consent Motion to Extend the Time to Answer or Otherwise Respond to Plaintiffs' Complaint and Motion for Partial Summary Judgment. ECF No. 19.

2. Under the Court-approved schedule, Federal Defendants must file their response to Plaintiffs' Complaint and Motion for Partial Summary Judgment on or before February 13; South Carolina must file its reply and/or response on or before March 6, 2020; and Federal Defendants must file their reply on or before March 27, 2020. ECF No. 19.

3. Federal Defendants intend to move for partial dismissal of South Carolina's Complaint (ECF No. 1) and to oppose South Carolina's Motion for Partial Summary Judgment (ECF No. 12). There is substantial overlap in the arguments that Federal Defendants intend to present in both briefs.

4. In light of this overlap, Federal Defendants believe that it would serve the purposes of efficiency and judicial economy to advance their arguments in support of dismissal and in opposition to summary judgment in a single, consolidated brief. Addressing these arguments in one brief will result in Federal Defendants exceeding the 35 page limit for a single brief, but the proposed 55 pages they seek is still 15 pages fewer than they would be entitled to were Federal Defendants to file two separate briefs as contemplated by the Local Rules.

5. Likewise, South Carolina believes that it would serve the purposes of efficiency and judicial economy to advance their arguments in opposition to dismissal and in support of summary judgment in a single, consolidated brief. Addressing these arguments in one brief may

result in South Carolina exceeding the 35 page limit for a single brief and the 15 page limit for a reply. The proposed 55 pages they seek, however, is only 5 pages more than they would be entitled to were they to file a separate opposition and reply brief as contemplated by the Local Rules.

6. For these reasons, counsel for South Carolina and Federal Defendants jointly request the following: that Federal Defendants be permitted to file a single, consolidated brief in response to Plaintiffs' Complaint and in opposition to Plaintiffs' Motion for Partial Summary Judgment and that the page limit for their consolidated opposition brief be enlarged to 55 pages; that South Carolina be permitted to file a single, consolidated brief in support of their Motion for Partial Summary Judgment and in opposition to Federal Defendants' Motion to dismiss and that the page limit for their consolidated brief be enlarged to 55 pages; and that the page limit for Federal Defendants' reply in support of their Motion to Dismiss be enlarged to 20 pages.

7. Counsel for the parties to this Motion met and conferred by email and telephone on January 28 and 30, 2020, and agree to the relief requested herein.

WHEREFORE, the parties to this motion request that it be granted, and that the Court enter an order, allowing Federal Defendants to file a single, consolidated brief of up to 55 double-spaced pages in response to Plaintiffs' Complaint and in opposition to Plaintiffs' Motion for Partial Summary Judgment (ECF Nos. 1 and 12), that South Carolina be permitted to file a single consolidated brief of up to 55 double-spaced pages in opposition to Federal Defendants' Motion to Dismiss and in support of South Carolina's Motion for Partial Summary Judgment, and that Federal Defendants be permitted to file a reply in support of their Motion to Dismiss of up to 20 double-spaced pages.

Respectfully submitted this 31th day of January, 2020.

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